City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-32016 - APPLICANT: THE INDIAN GOURMET CURRY

BOWL, INC - OWNER: CENTENNIAL GATEWAY, LLC

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

- 1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use.
- 2. Conformance to the conditions for Site Development Plan Review (SDR-8695), if approved.
- 3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 4. Approval of this Special Use Permit does not constitute approval of a liquor license.
- 6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
- 7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment within an approved 211,606 square-foot commercial Shopping Center at 5635 Centennial Center Boulevard. The applicant proposes this use in conjunction with a proposed 1,617 square-foot, 50-seat Restaurant. Staff finds that this use is ancillary to the proposed restaurant use and that it may be conducted in a harmonious and compatible manner with the subject Shopping Center and the surrounding area. The proposed use also satisfies all Title 19.04 Special Use Permit requirements; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.					
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on				
	the subject site as part of a larger request. The Planning Commission and				
	staff recommended approval.				
08/06/03	The City Council approved a Site Development Plan Review (SDR-2208) for				
	a proposed 397,244 square-foot commercial development and Waivers of the				
	Town Center Development Standards on the subject site. The City Council				
	also approved Special Use Permits for four Supper Clubs (SUP-2214, SUP-				
	2215, SUP-2216, and SUP-2217), two Restaurants with Drive-Through (SUP-				
	2211, SUP-2212) and Outdoor Sales (SUP-2209) on the subject site. The				
	Planning Commission and staff recommended approval.				
09/07/05	The City Council approved a Minor Amendment to an approved Site				
	Development Plan Review (SDR-8695) and Extensions of Time for four				
	Supper Clubs (EOT-8271, EOT-8272, EOT-8273, EOT-8275), two				
	Restaurants with Drive-Through (EOT-8269, EOT-8270), and Outdoor Sales				
	(EOT-8267) on the subject site. Staff recommended approval.				
	Permits/Business Licenses				
02/26/08	Building permits (#109332, 109333) were issued for rough grading and a				
	temporary field office (trailer) at 5603 Centennial Center Boulevard. Final				
	approval has not been given.				
03/07/08	Building permits (#103732, 103733) were issued for onsite improvements and				
	trash enclosures at 5603 Centennial Center Boulevard. Final approval has not				
	been given.				
03/07/08	A building permit (#103730) was issued for Centennial Gateway Building A				
	at 5699 Centennial Center Boulevard. C of C was given on 10/21/08.				
03/17/08	Building permits (#110791, 110944) were issued for under ground water and				
	sewer and fire lead in at 5603 Centennial Center Boulevard (subject site).				
	Final approval has not been given.				

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03/21/08	A building permit (#104406) was issued for Centennial Gateway Building E			
	at 5639 Centennial Center Boulevard. Final approval was given on 10/21/08.			
03/25/08	A building permit (#104736) was issued for Centennial Gateway Building A			
	at 5651 Centennial Center Boulevard. Final approval has not been given.			
03/25/08	A building permit (#107476) was issued for Centennial Gateway Building B			
	at 5705 Centennial Center Boulevard. Final approval has not been given.			
03/27/08	A building permit (#107108) was issued for Centennial Gateway Building D			
	at 5643 Centennial Center Boulevard. Final approval was given on 10/17/08.			
04/21/08	Building permits (#107470, 107475) were issued for Centennial Gateway			
	Building E and C and at 5635 Centennial Center Boulevard and 5655			
	Centennial Center Boulevard. C of C was given on 10/21/08.			
05/01/08	A building permit (#108852) was issued for Sportsman Warehouse Major B			
	at 5647 Centennial Center Boulevard. Final approval has not been given.			
Pre-Application Meeting				
11/12/08	The application requirements for a Special Use Permit for Beer/Wine/Cooler			
	On-Sale Establishment were discussed with the applicant.			
Neighborhood Meeting				
A neighborhood meeting is not required, nor was one held.				

Field Check	
12/04/08	A field check was conducted and found the subject site to be an unoccupied
	storefront with a non-permitted temporary sign banner.

Details of Application Request			
Site Area			
Net Acres	18.71		

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning	
Subject Property	Shopping Center	TC (Town Center)	TC (Town Center)	
	(Under		Zone [SC-TC (Service	
	Construction)		Commercial – Town	
			Center) Special Land	
			Use Designation]	
North	Shopping Center	TC (Town Center)	TC (Town Center)	
			Zone [SC-TC (Service	
			Commercial – Town	
			Center) Special Land	
			Use Designation]	
South	Golf Course	PR-OS	R-PD5 (Residential	
		(Parks/Recreation/Open	Planned Development	
		Space)	– 5 Units per Acre)	

East	Shopping Center (Under Construction)	TC (Town Center)	TC (Town Center) Zone [SC-TC (Service Commercial – Town Center) Special Land
			Use Designation]
West	Single-Family	ML (Medium Low	R-PD6 (Residential
	Residences	Density Residential)	Planned Development
			- 6 Units per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
T-C Town Center District	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y*

INTERAGENCY ISSUES*

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

1. Any Special Use Permit within 500' of unincorporated Clark County

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and no significant issues have been identified.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor	Required			Provided		Compliance
	Area or		Parking		Parking		
	Number of	Parking	Regular	Handi-	Regular	Handi-	
Use	Units	Ratio		capped		capped	
Commercial	211,606 SF	1/250 SF	847	20	990	21	Y
Shopping							
Center							
TOTAL			867		1,008		Y

ANALYSIS

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment within an approved 211,606 square-foot commercial Shopping Center on an 18.76 acre site at 5635 Centennial Center Boulevard. The applicant proposes this use in conjunction with a proposed 1,617 square-foot, 50-seat Restaurant.

As there are no protected uses within the required 400-feet distance separation and this use conforms with the T-C (Town Center) zoning district zoning district, staff recommends approval of this request.

Zoning

This project is located within the T-C (Town Center) zoning district, on a site which has the special land use designation of SC-TC (Service Commercial – Town Center). This special land use designation allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Centennial Hills area and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theatres, bowling alleys and other places of public assembly and public/quasi-public uses.

• Use

Pursuant to the Town Center Development Standards Manual the use shall comply with all minimum conditions, standards and requirements applicable to the use "Beer/Wine/Cooler On-Sale Establishment" under Table 2 of the Las Vegas Municipal Code Title 19.04.010

Title 19.04 defines the Beer/Wine/Cooler On-Sale Establishment Use as follows:

An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premise where the same is sold, and is operated in connection with a restaurant in which 45 or more people maybe be served with meals at any one time at tables or stools.

Minimum Special Use Permit Requirements of Approval for a Beer/Wine/Cooler On-Sale Establishment use in a C-1 (Limited Commercial) zoning district are:

1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

- 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- 5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

- b. A proposed establishment having more than 50,000 square feet of retail floor space.
- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use meets all Title 19.04 conditions and can be conducted in a manner that is harmonious and compatible with the surrounding area; therefore, staff recommends approval.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. "The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."

The proposed use will be in connection with a proposed restaurant use located within an approved commercial center, therefore the proposed use will be compatible and harmonious with the existing land use, and with the future surrounding land uses.

2. "The subject site is physically suitable for the type and intensity of land use proposed."

The site is physically suitable for this type of use and the intensity of this use is appropriate in this area. Ample site access is provided and more than adequate parking is being provided for this use within a commercial Shopping Center.

3. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."

Site ingress and egress will be primarily from Centennial Center Boulevard, a 90-foot Frontage Road according to the Town-Center Development Standards Manual. This roadway is more than adequate to carry any added traffic generated from this use.

4. "Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."

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The proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

5. The use meets all of the applicable conditions per Title 19.04.

This proposal meets the minimum requirements of the Town Center Development Standards Manual and the minimum Special Use Permit requirements of Title 19.04.

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